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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/266,202 03/10/99 REITZ

H N19.12-0024

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EXAMINER

WESTMAN, CHAMPLIN & KELLY  
SUITE 1600 INTERNATIONAL CENTRE  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS MN 55402-3319

LEE, K

ART UNIT

PAPER NUMBER

2832

DATE MAILED:

11/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.  
**09/266,202**

Applicant(s)  
**Reitz et al.**

Examiner  
**Kyung Lee**

Group Art Unit  
**2832**



☒ Responsive to communication(s) filed on Oct 4, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-5, 7-9, and 25-35 is/are pending in the application.

Of the above, claim(s) 31-35 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5, 7-9, and 25-30 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Election/Restriction*

1. Applicants are requesting for a reconsideration of claims 31-35. Applicants state that the "search and examination of an entire application can be made without a serious burden . . . even though it includes claims to independent or distinct inventions." This is not found persuasive because claims 31-35 are drawn to display devices, such as a CRT or a flat panel display classified in class 313 subclass 461. Thus, examination and search would involve an addition burden placed on the examiner by the applicants.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-5, 7-9 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kambe et al. (6,099,798). Kambe et al. teaches a varistor formed with powder zinc oxide

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particles having "an average diameter from about 5nm to about 100nm" (col. 1, line 63). Kambe et al. teaches a stoichiometry of ZnO and ZnO<sub>2</sub> (col. 3, line 20).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kambe et al. in view of Iga et al.

Kambe et al. teaches the claimed invention except for the addition of Bi<sub>2</sub>O<sub>3</sub> to the component.

Iga et al. teaches powder ZnO further including Bi<sub>2</sub>O<sub>3</sub> to control electric characteristics and reliability (col. 6, lines 20-25).

One skilled in the art, at the time of the invention, would have found it obvious to provide the ZnO component of Kambe with an additional component of Bi<sub>2</sub>O<sub>3</sub> to improve electric characteristics and reliability as shown in the device of Iga.

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*Response to Arguments*

6. Applicants' arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 306-9060. The examiner can normally be reached on Monday to Friday from 6:30 A.M. to 3:00 P.M.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

RKL

11/17/2000

*M. E. Sellner*